

Spartanburg Jaycees Christmas Parade

"A Festival of Lights"

PO Box 1547
Spartanburg, SC 29304
www.spartanburgjaycees.org

Received & Inspected

DEC 12 2011

FCC Mail Room

CGB-CC-1167

December 8, 2011

Office of the Secretary
Federal Communications Commission
Attention: Disability Rights Office, Room 3-B431
445 12th Street, SW
Washington, DC 20554

RE: Spartanburg Christmas Parade Closed Caption Exemption

The Spartanburg Jaycees, Inc. ("Jaycees") a non-profit 501(C)4, pursuant to Section 79.1(f)(1) of the Commissions' rules and Section 713(d)(3) of the Communications Act of 1934, as amended (the "Act"), hereby requests a waiver of Section 79.1(b) of the Commission's rules requiring video programming distributors to provide closed captioning of their programming.

The Jaycees is a volunteer civic organization whose primary purpose is leadership training through community service. As part of our annual programming the Jaycees run many worthwhile community service projects; such as a Christmas Shopping Spree for underprivileged children, supporting a camp for the mentally handicapped, as well as volunteering for many city wide events. The Spartanburg Christmas Parade is the Jaycees largest event. The Jaycees rely on many volunteers throughout the year to accomplish our goals while impacting the lives of those in our community.

Section 79.1(f)(1) of the Commission's rules and Section 713(d)(3) of the Act provides that exemptions from the captioning rules may be granted upon finding that the closed captioning requirements will result in an "undue burden." Section 79.1(f)(2) of the Rules and Section 713(e) of the Act define undue burden as "significant difficulty or expense." In the case of the Jaycees, we would suffer both significant difficulty and extreme expense under the burdens of the closed caption rules.

Section 79.1(f)(2) of the Commission's Rules and Section 713(e) of the Act establish four factors to be consider in an undue burden analysis:

- i. The nature and cost of the closed captions for the programming
- ii. The impact on the operation of the provider or program owner
- iii. The financial resources of the provider or programs owner; and
- iv. The type of operations of the provider or program owner.

Under Section 79.1(f)(2)(i): Closed captioning services are not available locally, requiring the produced video programming to be sent to an outside service for encoding. The cost of the service is unknown.

Under Section 79.1(f)(2)(ii): The Jaycees have organized the Spartanburg Christmas Parade for over 25 years. This is the first year we have produced the parade for television. The Jaycees, unaware of Closed Captioning ("CC") requirements, have advertised to the public that the

Christmas Parade would be televised. Failure to meet this promise is a risk to event in terms of sponsorship withdrawals and goodwill. The Jaycees fear that this would also have a negative impact on future fundraising efforts which are critical to meeting our obligations in the community. Also, we believe that due to the timing of the parade (12/13/11) and scheduled air date (12/25/11), considering that the parade tape will require complete editing before it can be Closed Captioned, we also feel that this would cause significant delays which would result in the program missing its air date. These negative impacts would have dire results on the Jaycees resulting in losses that would also impact our ability to fund our Christmas programs and other scheduled 2011 contributions. Already, we have faced unexpected costs associated with the parade taping and run the risk of this community service project becoming a loss.

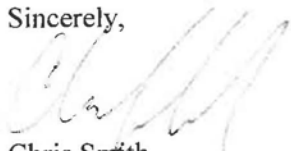
Under Section 79.1(f)2(iii): The 2011 Jaycee annual budget is \$30,000. As a non-profit organization this is a zero net income budget, meaning all revenue is spent on Jaycee programs and charitable giving with approximately \$5000 carried into the next year as start up funds. The Christmas Parade budget accounts for approximately 50% of the total budget and is essential to meeting our annual budget goals.

| | |
|-----------------------------|------------|
| YTD Net Income: | 9,714.81 |
| Parade A/R | 7,500.00 |
| Total Estimated 2011 Income | 17,214.81 |
| Accounts Payable - Parade | 13,242.00 |
| Accounts Payable Other | 4,000.00 |
| Adjusted Net Income | (27.19) |
| Return of Sponsorship \$ | 6,925.00 |
| Total Loss | (6,952.19) |
| Estimated Parade loss | (3,232.52) |
| 10% of Total 2011 Budget | |

Under Section 79.1 (f) 2 (iv): The Spartanburg Jaycees are a volunteer organization. We run various fundraisers throughout the year, coordinated and manned by volunteers, for the purpose of meeting our commitments of charitable contributions (\$6000), leadership training programs, and other administrative expenses. The Jaycees have organized the Spartanburg Christmas Parade for over 25 years. This is the first year we have produced the parade for television.

In view of the foregoing, the Jaycees respectfully requests that a waiver of the closed captioning requirements for its programming be granted.

Sincerely,



Chris Smith
Special Events Coordinator
Spartanburg Jaycees, Inc

3:26 PM

12/08/11

Accrual Basis

Spartanburg Jaycees, Inc.
Profit & Loss Budget vs. Actual
January through December 2011

| | Jan - Dec 11 | Budget | \$ Over Budget |
|-------------------------------|------------------|------------------|------------------|
| Income | | | |
| Administration | | | |
| Interest Income | 0.00 | 6.00 | -6.00 |
| Micellaneous | 1,453.97 | | |
| Seed Money | 0.00 | 6,600.00 | -6,600.00 |
| T-Shirt Sales | 225.00 | | |
| Total Administration | 1,678.97 | 6,606.00 | -4,927.03 |
| Community | | | |
| TIP JARS | 300.00 | 200.00 | 100.00 |
| Total Community | 300.00 | 200.00 | 100.00 |
| J-Bird Fines | 2.00 | 20.00 | -18.00 |
| Management | | | |
| Christmas Parod | | | |
| Vending | 650.00 | | |
| Christmas Parod - Other | 10,900.00 | 13,700.00 | -2,800.00 |
| Total Christmas Parod | 11,550.00 | 13,700.00 | -2,150.00 |
| Christmas Parod - PY | 2,600.00 | 45.00 | 2,555.00 |
| FIREWORKS | 8,508.94 | 6,500.00 | 2,008.94 |
| Music on Main | 929.30 | 800.00 | 129.30 |
| Spring Fling | 1,102.20 | 800.00 | 302.20 |
| Total Management | 24,690.44 | 21,845.00 | 2,845.44 |
| Membership | | | |
| KYC Contributions | 300.00 | | |
| Member Dues | | | |
| Billed | 2,130.00 | | |
| Discounts | -180.00 | | |
| Member Dues - Other | 180.00 | 1,615.00 | -1,435.00 |
| Total Member Dues | 2,130.00 | 1,615.00 | 515.00 |
| Total Membership | 2,430.00 | 1,615.00 | 815.00 |
| Total Income | 29,101.41 | 30,286.00 | -1,184.59 |
| Expense | | | |
| JC Admin | | | |
| Awards | 344.50 | 750.00 | -405.50 |
| Awards & Installation Banquet | 215.14 | | |
| Bank Charges | 0.00 | 100.00 | -100.00 |
| Book Judging | 0.00 | 60.00 | -60.00 |
| C of C Dues | 375.00 | 375.00 | 0.00 |
| CPA/Bookkeeping Fees | 700.00 | | |
| Insurance | 1,915.00 | 1,325.00 | 590.00 |
| Planning Sess. | 48.53 | 50.00 | -1.47 |
| POST OFFICE BOX | 70.00 | 70.00 | 0.00 |
| Postage | 0.00 | 50.00 | -50.00 |
| President Expen | 161.44 | 500.00 | -338.56 |
| Rooms/ Meetings | 1,357.27 | 1,600.00 | -242.73 |
| Sec. of State | 50.00 | 50.00 | 0.00 |
| Seed Money | 0.00 | 5,000.00 | -5,000.00 |
| STORAGE UNIT RENTAL | 1,187.56 | 1,356.00 | -168.44 |
| Total JC Admin | 6,424.44 | 11,286.00 | -4,861.56 |
| JC Community | | | |
| Camp Hope | | | |
| Frances Stockley Scholarships | 225.00 | | |
| Camp Hope - Other | 54.73 | 225.00 | -170.27 |
| Total Camp Hope | 279.73 | 225.00 | 54.73 |

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12/08/11

Accrual Basis

Spartanburg Jaycees, Inc.
Profit & Loss Budget vs. Actual
January through December 2011

| | Jan - Dec 11 | Budget | \$ Over Budget |
|-------------------------------|------------------|------------------|-------------------|
| Charles Lee Party | 0.00 | 750.00 | -750.00 |
| Comm. Project | 183.07 | | |
| Community / Charity Donations | 650.00 | | |
| Total JC Community | 1,112.80 | 975.00 | 137.80 |
| JC Individual | | | |
| Family Life Programs | 0.00 | 50.00 | -50.00 |
| Family Outings | 0.00 | 100.00 | -100.00 |
| Program Expenses | 0.00 | 100.00 | -100.00 |
| Total JC Individual | 0.00 | 250.00 | -250.00 |
| JC Management | | | |
| Camp Hope Commitment | 1,164.50 | 2,000.00 | -835.50 |
| Christmas Parod | 1,754.00 | 8,000.00 | -6,246.00 |
| FIREWORK JULY | | | |
| Sales Tax Expense | 481.64 | 350.00 | 131.64 |
| FIREWORK JULY - Other | 3,866.45 | 3,200.00 | 666.45 |
| Total FIREWORK JULY | 4,348.09 | 3,550.00 | 798.09 |
| T-Shirt Sales | 248.04 | | |
| Web Site | 339.88 | 350.00 | -10.12 |
| Total JC Management | 7,854.51 | 13,900.00 | -6,045.49 |
| JC Membership | | | |
| Advertising | 719.99 | 1,200.00 | -480.01 |
| Guest Meals | 25.09 | | |
| M Nights | 116.20 | 1,000.00 | -883.80 |
| Member Dues - State | 1,378.57 | 1,460.00 | -81.43 |
| MEMBERSHIP INCENTIVES | 0.00 | 75.00 | -75.00 |
| Name Badges/Pins | 0.00 | 140.00 | -140.00 |
| Total JC Membership | 2,239.85 | 3,875.00 | -1,635.15 |
| Write-Offs | | | |
| Membership Dues Write-Offs | 1,755.00 | | |
| Total Write-Offs | 1,755.00 | | |
| Total Expense | 19,386.60 | 30,286.00 | -10,899.40 |
| Net Income | 9,714.81 | 0.00 | 9,714.81 |